P/189-162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Antonio PARENTE DUEÑA et al

Date: August 17, 2001

Serial No.:

Group Art Unit:

Filed:

Examiner:

For: MICRO-CAPSULES FOR THE SUSTAINED RELEASE OF DRUGS

Asst. Commissioner for Patents
Washington, D.C. 20231

AMENDMENT/SUBMISSION

Prior to examination, please amend the application as follows.

FEE CALCULATION

Any additional fee required has been calculated as follows:

_X_ If checked, "Small Entity" status is claimed.

	NO. CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		EXTRA PRESENT		RATE		ADDIT. FEE
TOTAL	11	MINUS	20	* =	0	X	($9 SE or $18)	$	
INDEP.	1	MINUS	3	** =	0	X	($40 SE or $80)	$	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						X	($135 SE or $270)	$	
* not less than 20 ** not less than 3							TOTAL	$	-------

If any additional payment is required, a check which includes the calculated fee of $____ (OFGS Check No. _____) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

AMENDMENTS

_X_ If checked, amendment(s) to the specification and/or claims are submitted herewith.

1. ___ If checked, an abstract is submitted as the last page of Appendix A.

2. Specification:

Please delete the paragraph(s)/section(s) beginning at page, and replace such paragraph(s)/section(s) pursuant to 37 C.F.R. § 1.121(b)(ii) with the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(b)(iii) is attached hereto as Appendix B.

3. Claims:

Please cancel claims _____ without prejudice.

Please amend claims 5, 6, 8 and 10 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

___ If checked, the optional complete set of "clean" claims pursuant to 37 C.F.R. § 1.121(c)(3) is attached hereto as Appendix C.

REMARKS/ARGUMENT

This Preliminary Amendment is being submitted to change the multiple dependent claims to single dependent claims in order to eliminate the improper multiple dependent claims and to reduce the government filing fee.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EL855845511US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on August 17, 2001:

Dorothy Jenkins
Name of Person Mailing Correspondence

Dorothy Jenkins
Signature

August 17, 2001
Date of Signature

EAM/jc

Respectfully submitted,

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APPENDIX A

"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM
37 C.F.R. § 1.121(b)(ii) AND (c)(i)

CLAIMS (with indication of amended or new):

(Amended) 5. A pharmaceutical preparation according to claim 1 characterised in that the percentage ratio between the lactate and glycolate units in the lactic-co-glycolic copolymer varies between 100% and lactate and 90% of glycolate, both inclusive.

(Amended) 6. A pharmaceutical preparation according to claim 1 characterised in that the encapsulated peptide of pharmaceutical interest is an analogue of LHRH.

(Amended) 8. A pharmaceutical preparation according to claim 1 characterised in that the encapsulated peptide of pharmaceutical interest is somatostatine or an analogue thereof.

(Amended) 10. A pharmaceutical preparation according to claim 1 characterised in that the encapsulated peptide of pharmaceutical interest is an analogue of human calcitonine.

APPENDIX B

VERSION WITH MARKINGS TO SHOW CHANGES MADE
37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

CLAIMS:

5. A pharmaceutical preparation according to [claims 1 to 4] claim 1 characterised in that the percentage ratio between the lactate and glycolate units in the lactic-co-glycolic copolymer varies between 100% and lactate and 90% of glycolate, both inclusive.

6. A pharmaceutical preparation according to [any of the previous claims] claim 1 characterised in that the encapsulated peptide of pharmaceutical interest is an analogue of LHRH.

8. A pharmaceutical preparation according to [claims 1 to 5] claim 1 characterised in that the encapsulated peptide of pharmaceutical interest is somatostatine or an analogue thereof.

10. A pharmaceutical preparation according to [claims 1 to 5] claim 1 characterised in that the encapsulated peptide of pharmaceutical interest is an analogue of human calcitonine.